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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,321	03/02/2004	Christopher N. Kline	END920030127US1	1828
68786 7590 01/16/2009 CHRISTOPHER & WEISBERG, P.A. 200 EAST LAS OLAS BOULEVARD SUITE 2040 FORT LAUDERDALE, FL 33301				
EXAMINER				
TABOR, AMARE F				
ART UNIT		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/791,321

Applicant(s)

KLINE, CHRISTOPHER N.

Examiner

AMARE TABOR

Art Unit

2439

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 October 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14, 16 and 17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14, 16 and 17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- _____ Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- _____ Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. In view of the **APPEAL BRIEF** filed on October 28, 2008, **prosecution is hereby reopened**.
2. A new ground of rejection is set forth below.
3. To avoid abandonment of the application, appellant must exercise one of the following two options: (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or, (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

4. A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:
5. /Kambiz Zand/
6. Supervisory Patent Examiner, Art Unit 2434
7. **Claims 1-14, 16 and 17** are pending.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1, 3, 6, 8 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims recite, "...the members of the group are revealed as potentially not trusted"; however, the phrase 'potentially not trusted' renders the claim indefinite. Specifically, the word 'potentially' is a relative term that renders the claim output uncertain [Dictionary.com defines the word '**potentially**' as: possibly but not yet actually].

Examiner suggests amending the phrase "...the members of the group are revealed as potentially not trusted" to "...the members of the group are revealed as suspect".

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-14, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kane et al. (US 6,141,778 – "Kane") in view of "Hanfland" (US 6,718,386 B1)

As per Claim 1, Kane teaches,

A computer program product for determining that a group has been improperly assigned a privilege level higher than user level privilege [see abstract; and for example, col.2, lines 12-51], the group including a plurality of members [see claim 1], said computer program product comprising: a computer readable medium [see FIGS.1 and 6]; first program instructions to compare each member within the groups to a first list, the first list including names of trusted individuals [see FIGS.7 and 8 – where **Kane** disclose comparing members/employees against **HR_DATA** and/or **CONTRACTOR_DATA TABLES**]; second program instructions to determine whether the group includes at least one member not on the first list [see FIG.5 – where **Kane** disclose importing, loading, verifying and updating user groups data], and if so, generate a report [see **Reporting** in FIG.4. See also **DISPLAY MESSAGE** and **PROPAGATING UPDATES** in FIGS.7 and 8] identifying said at least one member not on the first list and the group in which said at least one member is a member [see for example,]; and said first and second program instructions are recorded on said medium [see FIGS.1 and 6].

Kane teaches assigning default level of access [see for example; col.4, lines 8-20] and issuing RACF command to update changes to user_id table [see FIGS.7 and 8]. On the other hand, **Hanfland** teaches third program instructions to determine whether the group has a group name on a second list, the second list including group names generally used for a group with user level privilege [see 50 in FIGS.3 and 4 – where the user level privilege is disclosed as 'Public' and/or 'Default' labels], and if so, generate a report indicating that the group has a group name generally used for a group having user level privilege, such that members of the group are revealed as potentially not trusted [see FIGS.8 and 11 – where USER/GROUP_ID including 'Public' and 'Default' labels with corresponding privilege levels are displayed]; and the third program instruction is recorded on computer readable medium [see FIG.1]. Therefore, it would have been obvious to a person having ordinary skill in the art, at the time of Applicant's invention was made, to modify the system of **Kane** by incorporating the teaching of **Hanfland** in order to display privilege states of users or group of users [see at least abstract; and for example, col.1, lines 7-14 of **Hanfland**].

As per Claim 6, Kane-Hanfland combination teaches,

A computer system for determining that a group has been improperly assigned a privilege level higher than user level privilege, the group including a plurality of members, said computer system comprising: means for comparing members within the group to a first list, the first list including names of trusted individuals [see FIGS.7 and 8 of **Kane**]; means for determining whether the group includes at least one member not on the first list [see FIG.5 of **Kane**], and if so, generating a report identifying the at least one member and the group in which the at least one member is included [see **Reporting** in FIG.4. See also **DISPLAY MESSAGE** and **PROPAGATING UPDATES** in FIGS.7 and 8 of **Kane**]; and means for determining whether the group has a group name on a second list, the second list including group names generally used for a group with user level privilege, [see 50 in FIGS.3 and 4 of **Hanfland**] and if so, generating a report indicating that the group has a group name generally used for a group with user level privilege, such that the members of the group are revealed as potentially not trusted [see FIGS.8

and 11 of **Hanfland**].

As per Claim 11, Kane-Hanfland combination teaches,

A computer program product for determining that a group has been improperly assigned a privilege level higher than user level privilege, the group including a plurality of members, said computer program product comprising: a computer readable medium; first program instructions to compare each members within the group to a first list, the first list including names of trusted individuals [see FIGS.7 and 8 of **Kane**]; second program instructions to determine whether the group includes at least one member not on the first list [see FIG.5 of **Kane**], and if so, generate a report identifying said at least one member not on the first list and the group in which said at least one member is a member [see **Reporting** in FIG.4. See also **DISPLAY MESSAGE** and **PROPAGATING UPDATES** in FIGS.7 and 8 of **Kane**]; and third program instructions to determine whether the group has a group name not on a second list, the second list including group names generally used for a group having a privilege level higher than user level privilege [see 50 in FIGS.3 and 4 – where the user level privilege is disclosed as 'CEO' and/or 'JOEUSER' labels], and if so, generate a report indicating that the group has a group name not generally used for a group having a privilege level higher than user level privilege, such that the members of the are revealed as potentially not trusted [see FIGS.8 and 11 of **Hanfland**]; said first, second and third program instructions are recorded on said medium [see FIGS.1 and 6 of **Kane**. See also FIG.1 of **Hanfland**].

As per Claim 16, Kane-Hanfland combination teaches,

A computer program product for managing privileges of groups, said computer program product comprising: a computer readable medium; first program instructions to determine that a group with an actual privilege level higher than user level privilege has a group name on a list of group names generally used for a group with user level privilege [see 50 in FIGS.3 and 4 of **Hanfland**]; and second program instructions, responsive to a determination of a group with an actual privilege level higher than user level privilege with a group name generally used for a group with a privilege level no higher than user level privilege, to compare members of said group to a list of trusted individuals [see FIGS.7 and 8 of **Kane**],

and if any member of said group does not appear on said list of trusted individuals, remove said member from said group [col.8, lines 32-57 and col.9, lines 41-45 - **Kane** automatically updates user status, either in adding new employee, deleting retired or terminated employee and/or re-entering returning employee – see for example abstract and RACF commands in FIGS.7 and 8 performing these functions]; and wherein said first and second program instructions are recorded on said medium [see FIGS.1 and 6 of **Kane**. See also FIG.1 of **Hanfland**].

As per Claim 17, Kane-Hanfland combination teaches,

A computer program product for managing privileges of groups, said computer program product comprising: a computer readable medium; first program instructions to determine that a group with an actual privilege level higher than user level privilege has a group name not on a list of group names generally used for a group with privilege level higher than user level privilege [see **50** in FIGS.3 and 4 of **Hanfland**]; and second program instructions, responsive to a determination of a group with an actual privilege level higher than user level privilege with a group name not generally used for a group with privilege level higher than user level privilege, to compare members of said group to a list of trusted individuals [see FIGS.7 and 8 of **Kane**], and if any member of said group does not appear on said list of trusted individuals, **lower the actual privilege level of said group** [col.8, lines 32-57 and col.9, lines 41-45 - **Kane** automatically updates user status, either in lowering and/or upgrading employee status – see for example abstract and RACF commands in FIGS.7 and 8 performing these functions]; and said first and second program instructions are recorded on said medium [see FIGS.1 and 6 of **Kane**. See also FIG.1 of **Hanfland**].

As per Claim 2, Kane-Hanfland combination teaches,

A computer program product as set forth in claim 1 wherein there are a plurality of applications or application instances, and a same group can be assigned different privilege levels for involvement with different applications or application instances; and said third program instructions makes its determination

separately for each application or application instance [see FIGS.1, 4 and 6 – where **Kane** disclose RACF, PROP SOFTWARE, DB2,... See also FIG.2 of **Hanfland**].

Claims 7 and 12 are rejected for the same reasons applied to the rejection of Claim 2.

As per Claim 3, Kane-Hanfland combination teaches,

A computer program product as set forth in claim 1, further comprising: fourth program instructions to determine whether the group has a group name not included on a third list, the third list including group names generally used for a group-having a privilege level higher than user level privilege [see 50 in FIGS.3 and 4 – where the user level privilege is disclosed as 'CEO' and/or 'JOEUSER' labels], and if so, generate a report indicating that the group has a group name not on the third list, such that members of the group are revealed as potentially not trusted [see FIGS.8 and 11 of **Hanfland**]; wherein said fourth program instructions are recorded on said medium [see FIGS.1 and 6 of **Kane**. See also FIG.1 of **Hanfland**].

Claim 8 is rejected for the same reasons applied to the rejection of Claim 3.

As per Claim 4, Kane-Hanfland combination teaches,

A computer program product as set forth in claim 1, wherein said second program instructions determine whether the group includes at least one member not on the first list, and if not, generate a report indicating that the group has all its members on the first list [see FIGS.7 and 8 of **Kane**; i.e., if there is no change in employee status, RACF command reports there is no change in the HR list].

Claims 9 and 13 are rejected for the same reasons applied to the rejection of Claim 4.

As per Claim 5, Kane-Hanfland combination teaches,

A computer program product as set forth in claim 1, further comprising fourth program instructions, responsive to determining that the group has a group name on the second list, to determine whether each members of the group is on the first list [see FIGS.7 and 8 of **Kane**]; and wherein said

fourth program instructions are recorded on said medium [see FIGS. 1 and 6 of **Kane**. See also FIG. 1 of **Hanfland**].

Claims 10 and 14 are rejected for the same reasons applied to the rejection of Claim 5.

CONTACT INFORMATION

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to AMARE TABOR whose telephone number is (571)270-3155. The examiner can normally be reached on Mon-Fri 8:00a.m. to 5:00p.m., EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand can be reached on (571) 272-3811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Supervisory Patent Examiner, Art Unit 2434